

The Seal of the United States of America, featuring an eagle with a shield, holding an olive branch and arrows, with a constellation of stars above its head. The shield is divided into thirteen vertical stripes and a blue chief with thirteen white stars. The words "UNITED WE STAND" and "DIVIDED WE FALL" are inscribed on the shield. The eagle is perched on a banner that reads "E PLURIBUS UNUM". Below the eagle is a scroll with the date "MDCCLXXVI".

¹ All references to “RSMo” are to the Revised Statutes of Missouri (Supp. 2012), unless otherwise noted.

we ordered the parties to file supplemental briefing concerning the matter of Mr. Hall's appointment to the Board of the Benton County Sewer District. The parties' supplemental briefing concluded on December 20, 2013, and the case became ready for decision on that date.

Findings of Fact

Background

1. The Benton County Sewer District is a body corporate and politic formed under § 204.300.1, RSMo, to provide sewer services to certain parts of Benton County, Missouri, and is governed by a Board of Trustees (the Board) appointed under the same section.

2. In 2007, the County Commission of Benton County passed a resolution pursuant to § 204.300.1, creating the paid position of Sewer District Supervisor. The resolution:

- provided that the Sewer District Supervisor would be responsible for overseeing the general operations of the Sewer District;
- permitted "a member of the Board of Trustees [to] hold [the] position";
- provided that the Board of Trustees would appoint the person to the position; and
- established a monthly salary of \$650 for the position.²

3. On April 7, 2010, the Board, on motion, voted to appoint George Hall as a member of the Board. He took his oath of office on April 13, 2010 and served on the Board until December 2010.

4. The minutes of the December 13, 2010, Executive Meeting of the Board reflect that "proper procedure [under § 204.300, RSMo] for filling board of director vacancies had not been followed in the appointment of" certain Sewer District Board members, including Mr. Hall.³ The County Commission of Benton County therefore had, apparently earlier in the day on December 13, 2010, passed a motion to officially appoint those Board members, with the

² Petitioner's Exhibit A.

³ Respondent's Exhibit 47.

exception of Mr. Hall. With respect to Mr. Hall, the Board minutes reflect that the County Commission wished to consult with its legal advisor concerning his eligibility to hold office.

5. No evidence in the record reflects that Mr. Hall was officially appointed after December 13, 2010, nor that his prior service as Board member was somehow formally ratified, whether by vote of the County Commission or other means.

The Sewer District Supervisor position

6. Another Board member, Ted Seek, held the position of Sewer District Supervisor until May 2010, when he resigned it at a Board meeting. There was discussion at the meeting about the need to fill the position soon and running a want-ad in the newspaper, but the issue was tabled.

7. At the Board's June 10, 2010 meeting, the Board attempted to interview Len Petersen for the Sewer District Supervisor position. The audience interrupted and the Board decided to reschedule the interview.

8. On June 15, 2010, a quorum of the Board met and interviewed Mr. Peterson, but took no action because the meeting notice had not been properly posted.

9. At the July 2010 Board meeting, Mr. Hall told the Board he had been performing the Sewer District Supervisor⁴ duties on a volunteer basis since June 2010. He stated that "Alliance" had "estimated a cost to provide full operation services at \$5,300 a month."⁵ He explained that he had been spending 30-40 hours per week on the job, and would no longer do it

⁴ The Board's minutes reflecting this discussion do not explicitly refer to the position by the title "Sewer District Supervisor." But we readily gather from the context that that was the position at issue.

⁵ Respondent's Exhibit 40 (July 2010 Board minutes). The Board's minutes provide scant information about the Alliance estimate, and there is no evidence in the record that the estimate was gathered pursuant to the public notice and competitive bid process. The record does suggest Mr. Hall had reached out to Alliance and another company in June 2010 "for the purpose of receiving proposals on taking over plant operations and assisting in evaluating the District's needs. [But their] proposals [were] being delayed until all vacant Board Seats [could] be filled." See Respondent's Exhibit 4 (Hall's June 10-30, 2010 invoice).

on a volunteer basis, nor do it for the current salary (\$650 per month). He said he did not believe anyone would do the job at the current salary. He agreed to do the job for \$10 per hour until a permanent person was hired. Another Board member made a motion to hire Mr. Hall on a temporary basis at \$10 per hour, and the motion passed.⁶

10. Around July 7, 2010, Mr. Hall began submitting invoices to the Board for his supervisory work, including work he had originally performed voluntarily in June 2010. On occasion, he worked overtime, that is, more than 40 hours per week. The Board paid Mr. Hall a grand total of \$11,0012.56, including \$801.56 in overtime, for work Mr. Hall invoiced for the June through December 2010 period.⁷

11. The total amount the Board paid Mr. Hall included payment for collecting and organizing Sewer District records to address a former employee's suspected over-billing. At the July 2010 Board meeting, Mr. Hall and another Board member represented to the Board that an audit of the Board records would cost \$2,000 to \$2,600.⁸ The minutes reflect that the Board decided to take no action until it received a report from the Department of Natural Resources, and new Board members were in place. The record does not reflect that the Board received such a report. Instead, Mr. Hall began collecting and preparing records sometime during the summer of 2010; included that time in the invoices he gave the Board for his supervisory work; and the Board paid him for it the same as his supervisory work.

12. The Board did not adopt a resolution setting the wages of the Sewer District Supervisor at \$10 per hour, nor did the Benton County Commission approve by resolution, order, or ordinance a change of compensation for the position from the \$650 monthly salary to the \$10-per-hour wage.

⁶ The Board's minutes do not record who voted or how anyone voted.

⁷ See Appendix A for a breakdown of the payments.

⁸ No evidence in the record demonstrates that bids for the work were solicited pursuant to the public notice and competitive bid process.

13. Neither the Board nor the Benton County Commission addressed payment of overtime for the Sewer District Supervisor position before the Board hired Mr. Hall, nor did Mr. Hall raise the issue of payment for overtime before he presented the invoice for overtime to the Board in March 2012.

14. For at least six of the seven months he was paid for performing work as Sewer District Supervisor, Mr. Hall's pay exceeded \$650 per month.⁹

15. During the time he was a Board member and Sewer District Supervisor, Mr. Hall participated at least twice in votes concerning payment of his own invoices, and both times voted to approve payment.¹⁰

16. The Board did not always approve payment of invoices for employees' services. In September 2010, an employee who had been hired to work three days per week, for a total salary of \$800.00 per month, submitted an invoice for payment of \$430.50 for an extra five days of work he performed in August 2010. Two Board members voted to pay it, while Mr. Hall and another Board member voted not to pay it. Because of the tie, the motion did not pass.¹¹

Mr. Hall's complaints to the Ethics Commission

17. Mr. Hall was alert to and aware of potential conflicts that Board members could have in relation to the performance of their duties, and issues related to bidding. He filed at least two complaints with the Ethics Commission concerning Board members' alleged conflicts and failure to follow bid requirements. In August 2011, he complained that a Board member had voted to pay an invoice for services submitted by the Board member's own brother, and that the member's own son also worked for the member's brother. Mr. Hall alleged that the Board member had a conflict of interest and the member's behavior constituted nepotism. Mr. Hall

⁹ The breakdown for the November 2010 wages, *see* Appendix A, is not clear in the record.

¹⁰ Respondent's Exhibits 44 and 45.

¹¹ Respondent's Exhibit 43.

also pointed to the Sewer District's policy that required a member of the Board with a direct conflict of interest concerning business coming before the Board to "excuse him/her self from the meeting and...[to neither] discuss nor vote on the matter."¹²

18. Mr. Hall's September 2011 complaint to the Ethics Commission concerned the bid process and conflicts. He complained that Board members violated Board policy and state law when they filled certain positions (secretary and treasurer) and hired certain service providers (plant operator and pump repair company) without first obtaining bids. He pointed out that the Board was aware of the bid process, because it had recently bid out another position (billing clerk) before filling it. He also complained that a Board member who voted for his own wife be hired for one position, and another Board member who voted for his own brother to receive another position, had conflicts.¹³

The complaint to the Ethics Commission about Mr. Hall

19. In April 2013, the Ethics Commission held a hearing on a complaint received against Mr. Hall.

20. The Ethics Commission concluded there was probable cause to believe Mr. Hall violated § 105.454(1) when he simultaneously served as a Board member or trustee on the Sewer District Board, and performed services for compensation for the Board in exchange for \$11,002.06, and that he did so knowingly.

21. The Ethics Commission imposed a fee under § 105.961.4(6), RSMo.

¹² Respondent's Exhibit 55.

¹³ Respondent's Exhibit 56.

Conclusions of Law

I. Background

We have jurisdiction of this matter. § 105.961.3. We follow the same law that the Ethics Commission must follow. *See Mo. Ethics Comm’n v. Wilson*, 957 S.W.2d 794, 798-99 (Mo. App. W.D. 1997).

Section 105.961.3 is silent regarding the burden of proof, and in their briefing herein, the parties do not address it. We conclude the Ethics Commission bears it. As a general proposition of administrative law, the party seeking a change is “the ‘moving party’ or the party having the affirmative of the issue,” and so bears the burden of proof. *Tonkin v. Jackson Co. Merit System Comm’n*, 599 S.W.2d 25, 31 (Mo. App. W.D. 1980). Here, the Department seeks a change, that is, to take disciplinary action against Mr. Hall under § 105.961.4, upon a finding of probable cause that he violated § 105.454.1. Therefore, we conclude the Ethics Commission bears the burden of proof.

And generally, in administrative proceedings the preponderance of the evidence standard applies. *See Kerwin v. Mo. Dental Bd.*, 375 S.W.3d 219, 230 (Mo. App. W.D. 2012) (applying preponderance standard in case concerning discipline of dental license, where Dental Board bears burden). Accordingly, the Ethics Commission must bear its burden herein by a preponderance of the evidence.

II. The parties’ positions

The Ethics Commission argues that Mr. Hall violated § 105.454(1) because he was an appointed official of a political subdivision, serving in an executive or administrative capacity, and he simultaneously performed a service for the same political subdivision, for compensation other than that provided for his performance of his official duties as an appointed official of that political subdivision; that the compensation for his service exceeded \$5,000 per year; and that the service was not put out for public bid, or awarded pursuant to the competitive bid process.

Section 105.454(1) provides:

No elected or appointed official or employee of the state or any political subdivision thereof, serving in an executive or administrative capacity, shall:

(1) Perform any service for any agency of the state, or for any political subdivision thereof in which he or she is an officer or employee or over which he or she has supervisory power for receipt or payment of any compensation, other than of the compensation provided for the performance of his or her official duties, in excess of five hundred dollars per transaction or five thousand dollars per annum, except on transactions made pursuant to an award on a contract let or sale made after public notice and competitive bidding, provided that the bid or offer is the lowest received.... [Emphasis added.]

Mr. Hall argues that he was permitted to simultaneously serve as an appointed official of the political subdivision and to be a paid employee of the Board pursuant to § 204.300.1, which provides:

[T]rustees may be paid reasonable compensation by the district for their services; except that, any compensation schedule shall be approved by resolution of the board of trustees.... The trustees may be paid reasonable compensation by the district for their services; except that, any compensation schedule shall be approved by resolution, order, or ordinance of the governing body of the county... The board of trustees shall have the power to employ and fix the compensation of such staff as may be necessary to discharge the business and purposes of the district, including clerks, attorneys, administrative assistants, and any other necessary personnel. [Emphasis added.]

We agree with the Ethics Commission that Mr. Hall violated § 105.454(1), and that § 204.300.1 affords him no shelter. We reach a different conclusion than the Ethics Commission concerning the proper discipline to impose under § 105.961.4, specifically, the amount of the fee.

Before we address the substance of the matter, we address immediately below the matter of Mr. Hall's appointment to the Board of the Benton County Sewer District.

III. Mr. Hall's appointment to the Board

We conclude that the conflicts of interest laws, including disciplinary provisions, apply to Mr. Hall, notwithstanding the apparent failure of the County Commission and the Board to properly follow the statutory procedure for his appointment to the Board, because he was a *de facto* officer of the Board.

Under § 204.300.1, it is the governing body of the county which appoints trustees, or board members, to fill vacancies on the board of a sewer district. A board may appoint a member, if it provides written notice of vacancy to the governing body, and the governing body fails to act within 60 days to fill the vacancy.

As noted in the Findings of Fact, Mr. Hall was appointed to the Board of the Benton County Sewer District by vote of the Board. We gather from the totality of the record that the Board had never notified the County Commission in writing of the vacancy to which the Board appointed Mr. Hall. He held office from April 2010 until December 2010, during which time the incidents that are the subject of the instant case occurred. In December 2010, the County Commission passed a motion to officially appoint certain Board members who, like Mr. Hall, had been appointed in violation of the statutory procedure. But the commission did not vote on Mr. Hall's appointment because it wished to consult with its legal advisor concerning his eligibility to hold office. No evidence before us shows that he was subsequently appointed or that his service as Board member was somehow formally ratified.

The Ethics Commission argues that under the *de facto* officer doctrine, Mr. Hall bore responsibility for control and operation of the sewer district from April 2010 until December 2010, and is subject to discipline for violation of conflict of interest laws, the same as if he had been appointed in accordance with statutory procedures. We agree.

An "officer *de facto* is one who has the reputation of being an officer, and yet is not a good officer in point of law." *Harbaugh v. Winsor*, 38 Mo. 327, 330-331 (1866). "[W]hen an

individual holds an office under a cloud as to current qualifications for the office,” the *de facto* officer doctrine provides that “the acts of that officer are not invalid as to third persons and the public.” *Benne v. ABB Power T & D Co.*, 106 S.W.3d 595, 599 (Mo. App.W.D. 2003). The *de facto* officer doctrine is invoked “not because of any character or quality attached to the so-called officer..., but because this is necessary to preserve the rights of third persons and keep up the organization of society.” *Sch. Dist. of Kirkwood R-7 v. Zeibig*, 317 S.W.2d 295, 300 (Mo. banc 1958).

Mr. Hall had the reputation of being an officer, that is, a trustee or member of the Board of the Sewer District, behaving and being treated as such from April 2010 until December 2010. He participated in the “control and operation” of the sewer district, exercising authority provided by statute. §204.300.1. We conclude that even if he held the office under a cloud, his performance of the duties of the office is not invalid as to third persons and the public.

We also conclude, for purposes of statutes governing conflicts of interest, that invocation of the *de facto officer* doctrine does not require us to recognize as effective those acts performed in accordance with statute, and to reject those that were not. We must follow the plain language of the statutes as written whenever possible. *E&B Granite, Inc. v. Dir. of Revenue*, 331 S.W.3d 314, 318 (Mo. banc 2011). Section 105.454(1) applies to an “elected or appointed official...serving in an executive or administrative capacity.” The statute is not limited to “duly” appointed,¹⁴ that is, properly appointed, officials. We conclude that it applies to all such officials, regardless of whether duly appointed.

Moreover, the purpose of conflict of interest statutes is to “insure honesty in [g]overnment’s business dealings by preventing...agents who have interests adverse to those of the [g]overnment from advancing their own interests at the expense of the public welfare.” *U.S.*

¹⁴ The phrase “duly” is a legal term of art, meaning, “In a proper manner; in accordance with legal requirements.” *Black’s Law Dictionary* (9th ed. 2009).

v. Miss. Valley Generating Co., 364 U.S. 520, 548 (1961). And honesty in government business dealings is ensured by applying conflict of interest statutes to office holders, regardless of whether duly appointed under the law. To apply § 105.454(1) otherwise would encourage office holders to pay scant attention to, or to seek to avoid, proper appointment procedures, so as not to be subject to the conflicts law, encouraging the very self-dealing the law is designed to prevent.

We have examined the authority Mr. Hall cites, which is neither binding upon this Commission nor persuasive, and considered his arguments, which are not persuasive.

Accordingly, we conclude as a threshold matter that the conflicts of interest law applies to Mr. Hall, notwithstanding the apparent failure of the County Commission and the Board to properly follow the statutory procedure for his appointment to the Board.

We next examine the substantive claims at issue herein.

IV. Mr. Hall's violation of § 105.454(1)

We must follow the plain language of the statutes as written whenever possible, *E&B Granite*, 331 S.W.3d at 318, including § 105.454(1).

Mr. Hall violated the plain language of § 105.454(1). He was an appointed official of a political subdivision, serving in an executive or administrative capacity. He also provided a service for the political subdivision, that is, he performed the duties of Sewer District Supervisor. He received payment for his services as Sewer District Supervisor, and that payment was not part of any compensation for his performance of his duties as an appointed official of the political subdivision. His payment exceeded \$5,000 per year, and the job he filled neither appears to have been posted nor put out for competitive bid.¹⁵ As such, his offer to perform the services for \$10 per hour cannot qualify as the lowest bid received for purposes of § 105.454(1).

¹⁵ As noted in Finding of Fact ¶ 7, above, Mr. Hall appears to have collected some information about the amount another entity would have charged the Sewer District for the Service. But such activity does not satisfy the statutory requirement of public notice and competitive bid.

Section 204.300.1 does not obviate the prohibitions of § 105.454(1). As noted, we must endeavor to apply the language of a statute as written. *E&B Granite*, 331 S.W.3d at 318. Section 204.300.1, by its plain language, twice provides that “trustees,” or members, of the Board of the Sewer District may be paid reasonable compensation for their services. These portions of § 204.300.1 do not purport to provide for payment of work performed other than as “trustee.”

Moreover, we must not read a portion of a statute as mere surplusage, and must give all portions effect when possible. *State ex rel. SSM Health Care St. Louis v. Neill*, 78 S.W.3d 140, 144 (Mo. banc 2002). Were we to conclude that Mr. Hall could be compensated simultaneously as a trustee and an employee by virtue of § 204.300.1, without the public notice and competitive bid process, such reading would render a part of § 105.454(1) mere surplusage. Specifically, the prohibition against appointed officers being paid for services, “other than...[their] official duties,” in excess of \$5,000 per year, unless the competitive bidding requirements are met, would be of no effect. We decline to read any part of § 105.454(1) as surplusage.

We note that the final sentence of § 204.300.1 also provides that a sewer district board may employ and fix the compensation of necessary personnel. But we cannot conclude that the provision obviates the prohibitions of § 105.454(1) any more than the first portion of the section does, because of the rule against reading a portion of a statute as surplusage.

We also readily conclude that the two statutes, § 105.454(1) and § 204.300.1, can be read in harmony by virtue of the public policy that § 105.454(1) promotes. The common law generally forbids contracts that pay public officials for services germane to their offices, because of the potential for self-dealing. Such contracts are void at common law, as against public policy. Mo. Atty. Gen. Op. 121-2009 *1, 2009 WL 2520923 (Aug. 13, 2009) (and citations therein). So, for example, at common law, a contract to pay a township trustee for road work he performed for the township would be void as against public policy. *Id.* at *2. A statute that

purported to permit such compensation would be strictly construed against permitting the compensation, and in favor of the rule at common law. *Id.* See also *State ex rel. Brown v. III Invs., Inc.*, 80 S.W.3d 855, 860 (Mo. App. W.D. 2002) (where statute conflicts with rights granted at common law, courts strictly construe statute, and favor retention of common law rule).¹⁶ Put another way, “public officers entrusted with [the] expenditure [of public funds] are trustees of all such funds,” *City of St. Louis v. Whitley*, 283 S.W.2d 490, 493 (Mo. 1955), and must behave accordingly.

Section 105.454 aims to prevent elected and appointed officials from hiring, supervising, and paying themselves with the public money they are entrusted to safeguard, absent compliance with the public notice and competitive bid process.¹⁷ To the extent that the statute departs from the rule at common law, the statute is strictly construed in favor of the rule at common law. Accordingly, we conclude that the requirements of public notice and competitive bid provided in § 105.454(1) must be strictly adhered to before the performance of services can be lawfully compensated.

Finally, we do not believe that the provisions of § 204.300.1 are triggered under the facts presented in any event. Section 204.300.1 contains two provisions governing the “compensation schedule” for Sewer District trustees. They arguably conflict, but we need not decide whether

¹⁶ In a closely related vein, statutes relating to the compensation of public officers are strictly construed against the public officer, because the right to compensation is purely a creature of statute. *Becker v. St. Francois Co.*, 421 S.W.2d 779, 782 (Mo. 1967); *Jenkins & Kling v. Mo. Ethics Comm’n*, 945 S.W.2d 56, 59 (Mo. App. E.D. 1997).

¹⁷ Similar provisions go back at least as far as the founding of the United States, and also exist for most elected Missouri offices. See U.S. Const. art. I, § 6 (“No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States, shall be a member of either House during his continuance in office.”); Mo. Const. art. III, § 12 (“No person holding any lucrative office or employment under the United States, this state or any municipality thereof shall hold the office of senator or representative.”); and § 36.150.6, RSMo (“No person elected to partisan public office shall, while holding such office, be appointed to any [merit system] position”).

they do, and if so, which one controls. If the “compensation schedule shall be approved by resolution of the board of trustees,” § 204.300.1, *cl.* 3, then the provision does not apply here because the Board hired Mr. Hall on a simple motion and without passing a resolution setting a compensation schedule. Likewise, if the “compensation schedule shall be approved by resolution, order, or ordinance of the governing body of the county,” § 204.300.1, *cl.* 8, then the provision does not apply here because the County Commission established a compensation schedule for a salary of \$650 per month, never changed it, and Mr. Hall was paid in excess of it. The fact that the County Commission never changed its salary resolution also disposes of Mr. Hall’s argument that that commission approved of arrangements such as the one he had with the Board.¹⁸

The Ethics Commission has demonstrated that Mr. Hall violated § 105.454(1) by serving as an appointed member of the Benton County Sewer District Board of Trustees and simultaneously performing services as a paid employee of the District, when he was paid in excess of \$5,000 for services performed as Sewer District Supervisor, and was hired to do so without public notice and competitive bid.

Accordingly, we turn to the question of appropriate discipline under § 105.961.4.

V. Discipline under § 105.961.4

Section 105.961.4 authorizes the Ethics Commission, and therefore authorizes us, to consider a range of discipline for Mr. Hall’s violation of § 105.454(1). In the instant case, a fee is the most appropriate type of discipline.

Section 105.961.4(6) provides for payment of a fee, up to double the amount involved in the violation, and we conclude that a fee in the amount of \$6,012.56 is appropriate here. The figure represents the amount in excess of \$5,000—the trigger for the public notice and

¹⁸ We do not opine whether the County Commission’s resolution complies with § 105.454(1).

competitive bid process under § 105.454(1)—that the Board paid Mr. Hall.

Mr. Hall's behavior displays the self-dealing that § 105.454(1) was designed to prevent. The Board attempted to interview a candidate at its June 2010 Board meeting, but did not complete the process. At the next month's Board meeting, and at a time when he had been voluntarily doing the job for a month, Mr. Hall provided his own name, and named his own price, for the position of Sewer District Supervisor. He effectively prevented or cut off discussion of alternatives for filling the position, by reporting to the Board that another company estimated a cost of "\$5,300" for the services,¹⁹ stating that he would not do the job for free any longer, and stating that he did not think anyone would do it for the salary of \$650 per month established by the County Commission. He then sold the Board on giving him the job, by pitching it as temporary and stating he would do it for \$10 per hour until a permanent solution could be found.

The evidence demonstrates that Mr. Hall was aware of, and alert to, conflict issues. He at least twice filed complaints with the Ethics Commission concerning other Board members' alleged conflicts. One of the complaints included allegations concerning failure to follow the bid process. But Mr. Hall maneuvered his own hiring for the supervisor position without attention to the bid process.

The evidence also demonstrates Mr. Hall was aware of his fiduciary responsibilities to the Board, and ignored them when convenient. He voted against payment of another employee's invoice, when the employee billed for work outside the scope of his hiring. But along with maneuvering his own hiring at his own price, Mr. Hall twice voted to pay his own invoices.

We perceive two counterweights to Mr. Hall's culpability. One is the fact that the County Commission, properly or improperly, passed a resolution permitting the Board to hire a Sewer District Supervisor and explicitly permitting a Board member to hold the position, for a

¹⁹ Finding of Fact, ¶ 9.

salary of \$650 per month. The other is that the Board, properly or improperly, did vote to approve Mr. Hall's hiring at \$10 per hour. We conclude that these two factors ameliorate Mr. Hall's culpability, but based on the foregoing, do not excuse him.

Without public notice and competitive bid, § 105.454(1) would have permitted Mr. Hall to be paid up to \$5,000. Because there was no public notice and competitive bid, we conclude the amount he was paid in excess thereof, or \$6,012.56 is the appropriate fee.

We decline to double the amount as permitted by § 105.961.4, because we conclude that the size of the fee we have imposed is sufficient discipline.

Summary

Mr. Hall violated § 105.454 and we impose a fee of \$ 6,012.56.

SO ORDERED on December 24, 2013.

\s\ Alana M. Barragán-Scott
ALANA M. BARRAGÁN-SCOTT
Commissioner

Appendix A

MONTH	PAY
	<i>REGULAR</i>
June 10-30, 2010	\$1,200.00
July 1-15, 2010	\$600.00
July 15-30, 2010	\$1,232.50
August 1-15, 2010	\$740.00
August 15-30, 2010	\$1,125.00
September 2010	\$1,113.00
October 1-10, 2010	\$540.00
October 11-31, 2010	\$445.00
October 15—Nov. 8, 2010	\$600.00
November 8-19, 2010	\$45.00
November 20-30, 2010	\$15.00
December 2010	\$1,145.00
Subtotal	\$10,200.50
	<i>OVERTIME</i>
July—December 2010	\$801.56 ²⁰
Grand Total	\$11,002.56

²⁰ Mr. Hall submitted an invoice in March 2011, after he left the Board, in which he originally requested \$1,400 in overtime. When the Board balked at paying it, he contacted the U.S. Department of Labor. The Department reviewed the matter and advised the Board that Mr. Hall should be paid \$801.56 in overtime, which the Board did.

